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No. 08-824

IN THE
SUPREME COURT OF THE UNITED STATES

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SUPREME COURT U.S.

JAMES E. PIETRANGELO, II,

Petitioner,

v.

ROBERT M. GATES, *et al.*,

Defendants-Respondents;

THOMAS COOK, *et al.*,

Plaintiffs-Respondents.

NOTICE IN RESPONSE TO PETITIONER'S MOTION TO STRIKE

Petitioner has moved to strike the brief, in response to his petition, by undersigned counsel on behalf of the Cook respondents. He premises that motion in part on the fact that, as noted in the responding brief (at 7 n.7), undersigned counsel represented all the original plaintiffs in this matter, including petitioner, until shortly after the district court dismissed the complaint. Mot. 1-2. Petitioner contends that, in filing the Cook respondents' brief responding to the present petition, counsel have violated ethical duties owed to petitioner as a former client.

Undersigned counsel do not believe that they have violated any duty to petitioner. Nonetheless, in light of petitioner's motion and in order to avoid any possibility that this dispute between petitioner and counsel might prejudice either the Cook respondents or petitioner in this

proceeding, undersigned counsel will withdraw from representing the Cook respondents in connection with their response to the present petition. In accordance with Rule 9.2, substitute counsel for the Cook respondents is filing a notice of appearance contemporaneously herewith. After further consultation with the Cook respondents, substitute counsel may seek to file any additional or alternative papers that may appear appropriate.

Accordingly, the appearance of undersigned counsel on behalf of the Cook respondents is hereby withdrawn, effective on the substitution of new counsel in accordance with Rule 9.2.

Respectfully submitted.

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ON PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

CERTIFICATE OF SERVICE

I, Paul R.Q. Wolfson, a member of the bar of this Court, hereby certify that, on this 17th day of February, 2009, all parties required to be served have been served copies of the Notice in Response to Petitioner's Motion to Strike in this matter via first-class mail at the addresses listed below:

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